



**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**REGULAR MEETING
MINUTES
for
October 22, 2001
Art Pick Council Chamber
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Egson, Gardner, Hendrick, and Huerta

Absent: Commissioner Garcia, Goldware, Floyd, and Howe

Vice-Chair Brewer called the meeting to order at 6:09 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Egson and seconded by Commissioner Hendrick to approve the minutes for the September 2001 monthly meeting. Motion was made by Commissioner Egson and seconded by Commissioner Hendrick to approve the minutes of the October 17, 2001 case review meeting. Both motions passed unanimously.

VICE-CHAIR BREWER – Executive Director's reports and comments...

EXEC. DIR. WILLIAMS – Thank you. We have got the holiday season coming upon us in November and December, so we need to set meeting dates for those times. I believe the only one that's really going to be impacted by the holidays is going to be the December meeting and we were proposing that we make December 17th the regular scheduled meeting for that particular month. Does anyone have a problem with that one?

COMMISSIONER EGSON – Explain that again please?

EXEC. DIR. WILLIAMS – Well, if we were to hold our regular scheduled meeting on the fourth Monday of December, it would be Christmas Eve, and we'd have a pretty... and so we're suggesting that we move it up a week to the 17th of December. So does anybody have a problem?

COMMISSIONER EGSON – I so move.

EXEC. DIR. WILLIAMS – Okay. We'll set the December meeting for December 17th. I think ...I mean, I just want to double check... The fourth Monday is the Monday after Thanksgiving in November. Is everyone going to be okay with that? Okay, good. So we'll just keep that as it is then.

The next little thing I want to talk about is Bill, Jack and I...yeah, Bill, Jack and I went to the NACOLE Conference in San Diego two weeks ago.

VICE-CHAIR BREWER – Denver.

EXEC. DIR. WILLIAMS – Or Denver. I'm sorry. Denver, yeah, and I'll let Jack give you his impressions. There are three things that I sort of came away with that I thought were very interesting. Number one, it was surprising that I didn't really find two review commissions that were the same. NACOLE, by the way, is the acronym for the National Association for Civilian Oversight of Law Enforcement. That's sort of the governing body in the United States of oversight committees and all that, or I won't say governing body, but that's the professional body if you will. And I don't think I found two commissions or boards that were the same and the whole thing, and that was very interesting. The second thing that was kind of interesting is I think... I came away with the impression that we have probably one of the strongest forms because we... our findings go directly to the city commissioner, or city manager, as does the Police Department's findings. It gives us what I think is one of the stronger forms of oversight in America, and that was sort of interesting. The other thing I came away with, and this was in a speech one of the presenter's gave, a little short speech. We always talk about oversight as it relates to the police department and many people think that it's... if you're for oversight, you can't be for the police and vice-versa. And I... it was, you know, well, I guess we've talked about it individually in different ways and everything, because I can't think of stronger supporters for the police department, in general, than on this commission. So it's sort of an oxymoron as far as a thought process there. But one of the presenter's made a real good comment. He says it's... instead of thinking of it in those terms, think of it as good government. I did for a little bit and it makes a lot of sense. You know, you don't have to look too far into the evening news to see countries around the world where criticism of your government or any particular branch of government is frowned upon, sometimes very harshly and severely. And to have a situation here in America where we can have individuals... you know, give them another access in order to voice concerns and complaints, I think speaks well of America and speaks well of the communities that have that. For what ever reasons, and there are a number of reasons, some citizens just don't feel comfortable with going to the police department or going to a police officer and complaining about the actions of a police officer or police. And I can tell you from speaking at a number of different places – Chamber of Commerce, Kiwanis Club, Rotary and this type of thing – in years past, there wasn't a whole lot of confidence in the ability of the police department to police itself. I've had a number of people talk about personal instances where themselves or a family member – they weren't... it wasn't any kind of real serious abuse or anything, but officers, they felt, acted in an improper way and they called to make a report of that and never got so much as a call back, much less any type of action, so they were pretty off. And I said these are the folks, these groups that you would think are the staunchest supporters – and they are, also – they want the courtesy of a call back. They want something to be done when they voice a concern, and I think that's sort of a message that we all need to sort of... when we talk to people out in the community about that, especially given the fact that you've got at least one mayoral candidate who's... would like to see us disappear, has made that promise that we'll disappear if he's elected, this is something the citizens need to make a decision on obviously. It was a citizens' movement that got us here. It's a citizens' movement that's going to sustain us if we're going to be sustained. But I think those are the type of things when you talk to people in the community, mention the good government aspect, I believe. It makes a lot of sense because that's in essence what it is. But those are the three things that I got out of the conference. Jack, do you have anything to add to that that might be of benefit to anybody?

VICE-CHAIR BREWER – Yeah, a little bit. I agree that we have one of the strongest forms from what we saw back there. We talked to people from Hawaii to New York, Rhode Island and in between and we found, in some cases they have ombudsman, one person who made the decision on everything, where we found others that had no authority to do anything. They couldn't, they just heard the complaints and that was about the extent of it. We found one city where the commissioners are called out on shootings; they're called to the scene. So there's a wide gamut. But in listening to these different people, again, as Don mentioned, these people are pro-law enforcement. They're not negative law enforcement people and I'm one that's been turned around over the years, having been in law enforcement for a very long time, and I've had myself turned around and my thinking a lot in the last few months, year, especially listening to these folks back east, or in the mid-west. I thought it was

a good conference. They had a lot of instructional meetings, a lot of speakers. They had a chief of police from Idaho. They had people from the east and from the mid-west and different police departments. We had a major from one police department in Oklahoma that they're looking at having some kind of review commission and he was trying to take back what type of commission they might want to have. So it made for a very interesting time and well worth the travel.

EXEC. DIR. WILLIAMS – Yeah, and I can say it was real interesting and some of the stories that some of the people had to tell...I'll just share one with you. There was a...I guess...I think it was from Detroit, if my memory serves me correct...they had a...they've got a police officer there, and I believe – and I'm doing this from memory because I didn't write any of this stuff down, so Jack correct me if I'm off in error here – he's been on the department five or six years, had something like 38 or so...

VICE-CHAIR BREWER – 68...

EXEC. DIR. WILLIAMS – 68, I'm sorry, 68 sustained complaints. He's been involved in something like eight shootings, five of them fatal, and he's getting ready to be promoted to sergeant. And so...it's a...you know, things are...you know, you don't have to travel too far out of Riverside to find out we got it pretty darn good here. We got a good department and it's...you know, it's...I was...you know, people kept asking me what kind of problems, because, you know, being a new commission they want to know, 'Hey, what's going on in Riverside,' and what kind of problems you're running into and it's kind of embarrassing and I said, "Well, we really haven't run into any problems." It's...you're almost bragging, you know? I was brought up not to brag. So that's a...you know, it was a little strange there. But that was it for the conference. I agree with Jack. Good conference and I look forward to next year's conference. I think it's in Massachusetts, I believe is where they think they're going to do it? Massachusetts.

VICE-CHAIR BREWER – One thing we did learn was that the security at the airports is definitely tighter. I had to take my shoes off even.

EXEC. DIR. WILLIAMS – Yeah! And do leave...when they say three hours leave three hours. Don't mess with it. You don't want to be caught any short of that...

Last, late today, I got an e-mail that was sent to me regarding the results of the policy recommendations that we've put out to date. You know, if anyone has any comments... I read over them briefly and everything, just... If you've got any comments, that's fine. I didn't have a chance to make them...copies for the public and all, so we'll do that next time so that they're for the next, I guess November meeting, so they'll be there.

VICE-CHAIR BREWER – Yeah, I think we table it for the November public meeting for any public comment.

EXEC. DIR. WILLIAMS – And that's...that's it for me.

VICE-CHAIR BREWER – Next on the agenda is Commissioners Comments.

COMMISSIONER HENDRICK – I did want to ask one question. In looking at this, is it possible to get, perhaps, more of an explanation as to what was the thinking behind not accepting a recommendation? A one-liner that says we're not changing a policy...I think it would be helpful to know because we, typically, have spent some time thinking about it, discussing it and we had a pretty decent thought stream about why we wanted to recommend it. I think it would be helpful if we knew why our recommendation wasn't even, it appears, not even seriously considered and I know there must have been some conversation about it. But this appears as if it was 'we're not doing it' like... Well, why?

EXEC. DIR. WILLIAMS – Yeah, I'll...for the November meeting, I will send a message over to the Chief and see if he can have somebody, that he or somebody from his staff – I think, what, there's two of them there where they said weren't...one for sure, and I don't know, maybe two of them – where they said they weren't going to change it or didn't feel it was necessary or something. But I'll send a message over to him tomorrow and see if he can have somebody come over for November meeting so that we can...this is something that needs to be aired in public and that's...

COMMISSIONER HENDRICK – I think that would be helpful. The vast majority of them were except those. But it would be helpful to us to understand, because I don't think we've sent over anything that we didn't really believe would be in the best interest of everyone.

EXEC. DIR. WILLIAMS – Well, and it's education too. We'll learn something. You know, there may be a very good reason that we're not aware of and that's just an education process on our part and as well as the public's part.

Oh, one more thing, also, one more thing. A couple of months back, one of the citizens mentioned putting the rules manual in the library. That has been done. They've taken some of the sections out pertaining to like building safety, SWAT tactics, and this type of thing. But that is now in the...I think it's the reference section of the...the reference desk. It's at the reference desk of the public library. So, that's it.

VICE-CHAIR BREWER – Commissioner comments...anybody wish to make...Gloria?

COMMISSIONER HUERTA – Well, I just wanted to make sure that we were going to put these recommendations under a public comment section, that we were going to put them on the agenda so there would be an opportunity to talk about them and allow the public the make comment and not just pass them out and not...

EXEC. DIR. WILLIAMS – Yeah, yeah, it'll be...we will make this an agenda item so there will be...for public comment.

VICE-CHAIR BREWER – Anybody else? Bill?

COMMISSIONER HENDRICK – Just one comment. I just happened, by chance, last night to catch the Country Music Channel and the tribute for the Salvation Army in which they were raising money to assist with the relief efforts in New York and you know, it was just really kind of neat to see the tremendous outpouring of love affection and admiration for police officers and firemen. I mean, I think it's just...maybe one of the spin-offs of this whole terrible situation is that we've finally begun to get our values a little straighter.

VICE-CHAIR BREWER – I certainly hope so. Mike?

COMMISSIONER GARDNER – A quick question for Don on the policies and procedures going into the library. Is that just the main library, Don, do you know, or is it in some of the branches as well?

EXEC. DIR. WILLIAMS – Just the main library, I believe. Yeah, the main library.

COMMISSIONER GARDNER – And one other question. I was under the impression that we were going to have a discussion of the Phaisouphanh shooting on the agenda tonight and it isn't there and I was curious why that was.

EXEC. DIR. WILLIAMS – No. Well, I don't know if it was tonight, no. Well, what we're going to do is, what we're thinking about doing and we're going to try to bring it together is – and thanks for bringing that up, because it was a point that I was going to bring up – what we're going to try to do is bring together all the entities like the coroner's office, the D.A.'s office, all these people that have anything to do with shootings, not just Phaisouphanh, but in general, so that we can learn what goes into an officer-involved shooting situation. You recall when Chief Leach came up here, it was four days after the shooting and he one of the things he said he was going to fast-track it. Well, that's been almost six months ago – and it may very well be fast-tracked – but we certainly...I know I've gotten calls and comments from citizens who're saying, 'Gee whiz, you know, for a fast track, it seems pretty slow.' And I don't have a reference to how long it takes here to do these things. So what some of us were talking about is sort of having a – and we're going to try to do it in November if we can get everybody schedule done, but if not, in December; we'll just have to play it by ear – but have all the people who were involved in these things tell us what they do. We can ask questions and again, this is on a general nature, not case-specific. And then, I understand, PD has the case back from the D.A.'s office, so we should be getting it fairly soon and then after we've had a chance to review that and do our thing, then we'll have at least a basis from which we know where everybody else is coming from. And if we want to bring...if we have case-specific questions, then we can maybe get some of these folks back in to answer questions. Now whether it'd be closed session or open session – we'd try to do as much in open session as we possibly can, but that's something that we're going to have to sort of play by ear and really hadn't worked that out yet. We hadn't got that far in the process yet.

VICE-CHAIR BREWER – I think one of the things that came up though, if I'm not incorrect, Mike, was what are our guidelines, how far are we going to go with these type of things...

COMMISSIONER GARDNER – That's specifically what I thought was going to be on the agenda, was the discussion of how broad will our investigation be.

EXEC. DIR. WILLIAMS – Yeah, I recall that now. Yeah, I thought it was going to be – again this has been sort of a turmoil week last week and I apologize – it was a short week for us between meetings and everything and it...we dropped the ball on that one. So I think maybe what we do is...that's not a bad discussion to incorporate once we hear what everyone else has done. That may be a good reference for that also. You know, we sort of fell into it, but maybe that's a good...falling in a good deal there.

VICE-CHAIR BREWER – I think, possibly, we should put it on our next public agenda and discuss and set some guidelines of our own so we know where we're going.

COMMISSIONER GARDNER – Yeah. We need to do that.

EXEC. DIR. WILLIAMS – Okay. We'll make it a separate agenda item. Next week, or next month, regardless of whether we can set this training up, we will put that on the agenda for discussion. And, frankly, I think also, that we need to have a full board here.

COMMISSIONER GARDNER – That would be helpful.

VICE-CHAIR BREWER – Anything else from...Gloria?

COMMISSIONER HUERTA – I have a question for Don about the status of...you were going to get an intern so that we could start trying to plan out when we have meetings and what other things, meetings we might want to go to as individual commissioners so that we can start having a better presence in the community and maybe doing some education...

EXEC. DIR. WILLIAMS – Yeah, that has hit a...they're redoing the way...they have redone the way that you get people and I'm told that the way it was prior to about two month ago, you basically call up, get an intern and come in. Well now you have to have – if you're going to pay them – have to have a position for them. So I'm in the process now of writing up a budget request to get an intern to do that very thing. The...I don't know how much you've...has been put out about the budget situation in the city, but it's getting a little tight as far as funds are concerned and so that's going to be scrutinized. I won't know for a couple months, well, I'm going to try to turn it in this week and hopefully, I get either thumbs up or thumbs down on it within two weeks, and then hopefully we can get it done by the January, February, at least in place for February. I've talked with Eva Webster of the Neighborhoods. We're going to coordinate with them because they have a jillion different groups and stuff like that that they coordinate with and the idea is to hire someone to sort of help be a liaison between theirs and ours and get these events up. And what we hope to do – and I would like to do it starting January, but we're just going to see what kind of time...what kind of time that Phoebe and I have, because realistically, that's what it's going to take – give you guys like a month, you know, say that this is what January's scheduled with. You tell us what you can attend and when you can attend. And we also want to do something...we don't want you just to go out there and say "hi" and be part of the audience. That's nice and everything on some events, but we really want to have you folks as the reason for people coming, or at least part of the program and everything. And so we're working on that too, but I know there are a lot of like, oh, community gatherings for one reason or another and to have a table out there and have where people can come up and talk to you and that sort of thing would be helpful at this point, you know, to just give...open our exposure and give more exposure to us and everything. But we're working on it, it's just there's budgetary process and we're sort of crunching through that and we'll figure something... If they turn us down on the people, then we will...we'll figure something out to do. It won't be as flashy as we had hoped, but we'll have something going there.

VICE-CHAIR BREWER – Any other comments or questions? Bill?

COMMISSIONER HENDRICK – I kind of wanted to go back to the topic that we were just talking about. I had this; it seems to me that before we talk about how broad the investigation ought to be, that it would be a good experience to hear from all of these different departments, exactly what they do and how they do it. I know for myself, I don't have a clear idea of how the police department or the coroner's office or the D.A., how they do all that. You folks with a law enforcement background may. I would like to see us have some kind of training once we have a thorough understanding of what all is involved, then I think we're going to be in a position to talk about what do we want to do in terms of the breadth of our commission.

VICE-CHAIR BREWER – Well, of course, on of the questions I think that's come up is whether we go just with the shooting itself up until the body is taken away, so to speak, or do we go further where how were the relatives treated, this type of thing. Now, from the experts, I don't think you're going to get anything reference that type of thing from listening to the experts. As far as the shooting itself, certainly you would, but I think going beyond that is something we just have to determine whether that's within our scope.

COMMISSIONER HENDRICK – Well, I guess the question I have is, without really understanding the different roles of that the different agencies have in this kind of an investigation, I don't have a clue as to how far they would go into some of the issues that we know appear to be in the forefront with this particular incident, but just...I thought it was going to be a in-general kind of training and then we could talk about, alright, given this, then we all now have the same...we're all on the same playing field. We can make decision about where we ought to go with it as a commission.

EXEC. DIR. WILLIAMS – Yeah. We're going to try to do that for November. We're going to really try to make it part of November's meeting. If, barring that, what we could do is maybe get something, briefly, sort of a brief one or two paragraphs, this is what our scope of investigation is and this type of thing and hand it out to everybody beforehand. So you kind of know, you kind of know, this is what we're looking at type...the scope of it. That may be helpful too, because I suspect...now again, I've...the cases...this will be the first one I've reviewed here in Riverside County, but the...having reviewed several in San Diego County and all, they limit them pretty much, to that few minutes surrounding the shooting itself and don't go much...number one, criminal intent or any kind of criminal conduct on the part of the officers and then they look at administrative – from a police department standpoint – the administrative viewpoint to see if their policies and procedures were followed and this type of thing. And that's, you know, that's it. I mean, that's the way it was there. I haven't seen this one here, I expect it's going to be the same thing and you know, we've had a couple of speakers come up in months past since then and they were talking about the lack of information and this type of thing given and some of these social things that really aren't going to be part of a D.A.'s or criminal investigation, nor are they really going to be part of a policy information; they're more of a social...how we treat victims, their families and this type of thing. You know, but you can go on some serious wild goose chase when you get off on that thing too, so you have to really...I think, you know, I don't say we just limit, but I think that you just be...we don't want to go chasing off into one red herring after another, either. I mean, it's...

COMMISSIONER HUERTA – But I don't really think that's what we're asking and I think that a lot of people in the community believe this is taking an inordinate amount of time to get to a point where there is a document or something that they can look at. And, like Bill said, I'm not sure we all here understand or even know the process and that the process is more than just the law enforcement agency that's involved and that it involves a lot of other governmental agencies which take more time to do part of their investigation or their review. I think having those agencies represented in a public forum would educate not only this commission, but the community who is concerned that they don't have an answer to their questions.

EXEC. DIR. WILLIAMS – I agree. I agree. And again, we're going to try to set it up for November's meeting. We're going to give it our best shot, but I can promise you at this point in time, we're going to give it a shot and we'll see who we can get and sort of do it like that. I think, once we get going, it'll be very, very informative for all of us and then when we see the book itself, then we'll have some frame of reference, like you say, to make a good decision, and hopefully, it'll all come together in November and so we can do that and then we can discuss the scope of where we want to go, not only on this one, but this is for incidents to come, because, unfortunately, there surely will be those instances.

VICE-CHAIR BREWER – Any other questions or comments from the Commission? Now is the time for Public Comments. I don't have any requests to speak up here. Is there anyone that wanted to speak tonight? I see no one. Okay, then we will adjourn to closed session for case reviews.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 6:40 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
01-005	PC-01-012-129
01-002	PC-01-004-132
01-080	PC-01-152-072
01-082	PC-01-152-263
01-096	PC-01-174-124

The Commission adjourned at 7:30 p.m.

Respectfully submitted,

PHOEBE SHERRON
Administrative Clerk